

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1364 OF 2022

Sudhakar Waman Deore	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.V.B.Patil, Advocate for applicant

Mr.A.V.Deshmukh, APP for respondent, assisted by Mr.A.S.Savale,
Advocate for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 15, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0117 of 2022 registered with Bhadgaon Police Station, Dist. Jalgaon, for the offences punishable under Sections 376, 376-D, 498-A, 509, 323, 504 and 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. First Information Report (FIR) has been lodged by the daughter-in-law of the applicant on 29.05.2022. It is her case that she married the applicant's son – Mahesh in December, 2021. She started residing along with her husband, parents-in-law and sisters-in-

law as well. She was treated well for initial some days. She then realised that something wrong was happening at her matrimonial home. It is her case that the female members would indulge in prostitution. The applicant and the co-accused also insisted her to do the same. The court does not propose to advert to the allegations in detail. So far as present applicant is concerned, it is alleged that on one day in January, 2022, the informant was asleep in her bed room. All her in-laws were at home. The applicant entered her bed room. Her cousin brother-in-law – Milind bolted the door. The applicant then committed rape of her. Then co-accused – Milind, cousin-in-law of the informant, did the same thing with her. It is also her case that the applicant and the co-accused illtreated her in connection with unlawful demand of dowry.

4. Learned counsel for the applicant would submit that wild allegations have been made against the applicant and the co-accused. The informant has been staying at her parents house since March, 2022. The alleged incident took place in January, 2022. The FIR has been lodged on 29.05.2022. On investigation, charge sheet has been filed. He, therefore, urged for grant of bail to the applicant.

5. Learned APP and learned counsel for the informant would, on the other hand, submit that it is a serious offence. The informant had no reason to make such allegations within six months of her marriage. No woman would like to have her matrimonial life unhappy. Both of them urged for rejection of the application.

6. The alleged incident of rape did take place in January, 2022. The FIR has been lodged on 29.05.2022. The applicant is 61 years of age. On investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial. The Court is, therefore, inclined to allow the application.

7. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0117 of 2022 registered with Bhadgaon Police Station, Dist. Jalgaon, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, for the offences punishable under Sections 376, 376-D, 498-A, 509, 323, 504 and 506 read with Section 34 of Indian Penal Code.

(iii) The applicant shall not tamper with the prosecution evidence.

[R.G. AVACHAT, J.]

KBP